

Mail Stop Interference  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Tel: 571-272-9797  
Fax: 571-273-0042

Paper 10

Filed July 5, 2006

## UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Christopher S. Piddington  
and Paul D. Bishop  
Junior Party  
(Patent 6,521,263)

v.

Luc Desnoyers,  
Dan L. Eaton, Audrey Goddard,  
Paul J. Godowski, Austin L. Gurney,  
James Pan, Timothy A. Stewart,  
Colin K. Watanabe, William L. Wood, and Zemin Zhang

Senior Party  
(Application 09/931,836)

Patent Interference No. 105,421)  
(Technology Center 1600)

Before Torczon, Lane, and Moore, Administrative Patent Judges

Lane, Administrative Patent Judge

Judgment: Request for Adverse Bd.R. 127(g)

1. The Interference was declared on 27 April 2006. (Paper 1). Piddington has not

2. filed any paper in the Interference.



1 On 27 June 2006, Paralegal Yolunda Townes spoke with Brian J. Walsh,  
2 Counsel for Piddington, via telephone. Mr. Walsh indicated that Piddington is  
3 abandoning the contest. Accordingly, it is appropriate to enter judgment against  
4 Piddington. Bd.R. 127(b) (4).

5 Upon consideration of the record and for reasons given, it is

6 ORDERED that judgment on Count 1, the sole count of the Interference,  
7 is entered against Junior Party, Christopher S. Piddington and Paul D. Bishop;

8 FURTHER ORDERED that Junior Party, Christopher S. Piddington and  
9 Paul D. Bishop, is not entitled to a patent containing claims 1-15 of patent 6,521,233;

10 FURTHER ORDERED that if there is a settlement agreement, the parties  
11 are directed to 35 USC §135( c) and Bd. R. 205; and

12 FURTHER ORDERED that a copy of this Judgment shall be entered into  
13 the administrative records of Piddington's 6,521,233 Patent and Desnoyers' 09/931,836  
14 Application.

15

16 /Richard Torczon/ )  
17 RICHARD TORCZON )  
18 Administrative Patent Judge )  
19 )  
20 )

21 /Sally Gardner Lane/ ) BOARD OF PATENT  
22 SALLY G. Lane ) APPEALS AND  
23 Administrative Patent Judge ) INTERFERENCES  
24 )  
25 )

26 /James T. Moore/ )  
27 JAMES T. MOORE )  
28 Administrative Patent Judge )  
29 )  
30 )

1 cc (via Federal Express):

2

3 Attorney for **PIDDINGTON**:

4 Susan E. Lingenfelter  
5 Brian J. Walsh  
6 ZYMOGENETIC INC.  
7 1201 Eastlake Avenue East  
8 Seattle, WA 98102

9

10 Tel: (206) 442-6681

11

12

13

14 Attorney for **DESNOYERS**:

15

16 Marc T. Morley  
17 KNOBBE MARTENS OLSON & BEAR  
18 2040 Main Street, 14<sup>th</sup> Floor  
19 Irvine, CA 92614

20 Tel: (949) 760-0404

21

22

23